



PUBLIC NOTICE

Federal Communications Commission
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DA 02-2857

**NEMONT TELEPHONE COOPERATIVE, INC., MISSOURI VALLEY
COMMUNICATIONS, INC., RESERVATION TELEPHONE COOPERATIVE, AND
CITIZENS TELECOMMUNICATIONS COMPANY OF NORTH DAKOTA SEEK A
WAIVER OF THE STUDY AREA BOUNDARY FREEZE AS CODIFIED IN PART 36
AND OTHER WAIVERS OF SECTIONS 61.41(c)(2), 69.3(e)(11) AND 69.605(c) OF THE
COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: October 31, 2002

Comment Date: December 2, 2002

Reply Comment Date: December 17, 2002

On September 24, 2002, Nemont Telephone Cooperative, Inc. (Nemont), Missouri Valley Communications, Inc. (MVC) and Reservation Telephone Cooperative (Reservation Telephone) (collectively, Acquiring Companies), and Citizens Telecommunications Company of North Dakota (Citizens) filed a joint petition for a waiver of the study area boundary freeze as codified in the Appendix-Glossary of Part 36 of the Commission's rules.¹ The requested waiver would allow Citizens to alter the boundaries of its existing North Dakota study area to remove from its study area three exchanges (approximately 10,698 access lines) that it is transferring to the Acquiring Companies. The waiver would also allow the Acquiring Companies to add the purchased exchanges to their respective study areas.

Reservation Telephone also seeks a waiver of section 61.41(c)(2) of the Commission's price cap rules which require non-price cap companies, and the telephone companies with which they are affiliated, to become subject to price cap regulation after acquiring a price cap company

¹ See Citizens Telecommunications Company of North Dakota, Nemont Telephone Cooperative, Inc., Missouri Valley Communications, Inc., Reservation Telephone Cooperative Joint Petition for Expedited Waivers, filed Sept. 24, 2002; Citizens Telecommunications Company of North Dakota, Nemont Telephone Cooperative, Inc., Missouri Valley Communications, Inc., Reservation Telephone Cooperative Supplement to Joint Petition for Expedited Waivers, filed Oct. 25, 2002 (collectively, "Joint Petition").

or any part thereof.² The requested waiver would permit Reservation Telephone to continue operating as a non-price cap company once Reservation acquires lines from Citizens which is a price cap company. Also, the Acquiring Companies seek a waiver of section 69.3(e)(11) of the Commission's rules so that the Acquiring Companies can include the exchanges they acquire from Citizens in the National Exchange Carrier Association pools upon the closing date of the acquisition.³ Finally, Nemont, an average schedule company, and its newly formed subsidiary MVC, seek a waiver of section 69.605(c) so that Nemont and MVC may operate as average schedule companies after MVC acquires an exchange from Citizens which will be added to Nemont's existing North Dakota study area.⁴ The Wireline Competition Bureau seeks comment on the Joint Petition.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **December 2, 2002**, and reply comments on or before **December 17, 2002**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address> ." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

² 47 C.F.R. § 61.41.

³ 47 C.F.R. § 69.3(e)(11).

⁴ 47 C.F.R. § 69.605(c).

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 Twelve Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Cara Voth, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

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